

UNITED STATES OF AMERICA

IN THE WESTERN DISTRICT OF MICHIGAN – SOUTHERN DIVISION

Derek Antol, individually and as next friend of
DSAIL, a minor, and Derek S. Antol, Jr., and
Tryston Antol,
Plaintiffs,

File No: 1:17-cv-613

v.

Adam Dent, Kate Strauss,
Casey Bringedahl, Casey Trucks,
Pete Kutches, and Western Michigan
Enforcement Team, a public
body organized under the laws of the
State of Michigan,
Defendants,

Hon. Janet T. Neff
U.S. District Court Judge

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**PLAINTIFFS' CONSOLIDATED RESPONSE TO PRE-MOTION CONFERENCE
REQUESTS [R. 39, Trucks; R. 40, Dent, Straus, Bringedahl, Kutches]**

Plaintiffs respond to the pre-motion conference requests as follows:

1. Plaintiff Derek Antol's conduct in 2014 at Deuces Wild Smoke Shop was not in violation of state law and state law enforcement officers are not authorized to enforce federal law unless working in authorized conjunction with federal law enforcement.

2. The search warrants obtained in 2014 were the result of knowledge gained through

the unlawful entry into a portion of Deuces Wild.

3. Defendant Straus' reliance on the prosecutor's (thus far uncorroborated claim) is irrelevant as the prosecutor has no more authority to order the police to destroy private property than the police have to engage in that conduct. Defendant Straus has an independent duty to obey the Constitution.

4. Police officers only have the authority to secure a dwelling where the possible destruction of evidence is imminent and properly justified. The police in this case showed up in a marked car and created the exigency thereby precluding their use of this exception to the warrant requirement.

5. DSAII was detained at gunpoint in his bedroom prior to the warrant being signed by the state magistrate therefore the conduct is not protected by the warrant.

A claim has been stated on the face of the complaint and will be supported by appropriate affidavits. A significant amount of disputed facts will preclude entitlement to qualified immunity. Defendants' motion will be futile.

RELIEF REQUESTED

WHEREFORE, Plaintiffs respectfully request this Honorable Court decline to allow the Defendants to file a motion for summary judgment.

6/7/2018

/s/ J. Nicholas Bostic
J. Nicholas Bostic P40653
Attorney for Plaintiffs

CERTIFICATE OF SERVICE

I, J. Nicholas Bostic, undersigned attorney for Plaintiff, certify that, on the 7th day of June, 2018, I served a copy of Plaintiffs' Response to Pre-Motion Conference Request of Melissa

Harris on all counsel of record by electronic facsimile by using the ECF system which will send notification of such filing to all counsel of record.

/s/ J. Nicholas Bostic
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